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Human Rights Council
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Technical assistance and capacity-building

South Africa:* draft resolution

33/... Technical assistance and capacity-building for human rights in the Democratic Republic of the Congo

The Human Rights Council,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, and to discharge their obligations under the International Covenants on Human Rights and other relevant instruments to which they are parties, and to fulfil its obligations under those treaties and agreements,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and 8/8/1 of 1 December 2008,

Recalling further its resolutions 10/33 of 27 March 2009, 13/22 of 26 March 2010, 16/35 of 25 March 2011, 19/27 of 23 March 2012, 24/27 of 27 September 2013, 27/27 of 26 September 2014 and 30/26 of 2 October 2015, in which the Council called upon the international community to support the national efforts of the Democratic Republic of the Congo and its institutions with a view to improving the human rights situation and to respond to its requests for technical assistance,

Welcoming the report of the United Nations High Commissioner for Human Rights submitted in accordance with Human Rights Council resolution 30/26 on technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo,[1]

Welcoming also the visit by the High Commissioner to the Democratic Republic of the Congo from 18 to 21 July 2016, and noting his findings and recommendations,

* On behalf of the States Members of the United Nations that are members of the Group of African States.

[1] A/HRC/33/36.

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Taking note of the final communique issued by the delegation of the African Commission on Human and Peoples' Rights, led by its President, following the visit made to the Democratic Republic of the Congo from 6 to 12 August 2016,

Recognizing the important role of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo in documenting human rights violations and in improving the situation of human rights in the country,

Welcoming the de facto moratorium on the death penalty already in force, and encouraging the Government of the Democratic Republic of the Congo to adopt a legal moratorium on the death penalty,

Welcoming also the significant progress made by the Democratic Republic of the Congo with regard to institutional and legislative developments relating to human rights and to the behaviour of rights holders and duty bearers, including the adoption in 2013 of an institutional act giving courts of appeal jurisdiction over war crimes and crimes against humanity,

Encouraging the efforts of the Democratic Republic of the Congo to combat impunity, protect civilians and raise awareness among victims of sexual violence of their need for justice and assistance, by, inter alia, the establishment by the office of the personal representative of the Head of State tasked with combating sexual violence and the recruitment of child soldiers of a helpline for victims of sexual violence, which has contributed to the fight against impunity for crimes under international law and sexual and gender-based violence,

Recognizing the significant efforts made by the Government of the Democratic Republic of the Congo in the area of judicial reform, in particular in the fight against impunity, as observed by the High Commissioner,

Deeply concerned about the continued violence and serious crimes, including sexual violence, that reportedly continue to be committed against members of the civilian population by armed groups and security forces in the eastern part of the country,

Deeply concerned also about reports of the aggravation of violations of civil and political rights, particularly the freedoms of expression and peaceful assembly, committed by State actors in the context of important election events,

Recalling the need for a joint agreement resulting from a real, credible and inclusive political dialogue, committing all components of government and opposition parties to the respect of human rights and fundamental freedoms, with a view to holding peaceful, credible, open and transparent elections in the country, in conformity with the Constitution and the African Charter on Democracy, Elections and Governance,

Noting the efforts of the Democratic Republic of the Congo to implement its commitments under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, signed in Addis Ababa on 24 February 2013,

Noting also the efforts and commitment of the Government of the Democratic Republic of the Congo to protect and promote human rights,

1. *Condemns unequivocally* the wave of violence in the eastern part of the country, and all the armed groups perpetrating it;

2. *Strongly condemns* the recent deadly clashes in Kinshasa and elsewhere in the country, and strongly urges the Government of the Democratic Republic of the Congo

to intensify its efforts and to take immediate steps to resolve peacefully the political issues that led to that violence, and to avoid further confrontations,

3. *Expresses its concern* at the continuing atrocities in the Beni region against civilians, and condemns in the strongest terms the senseless criminal violence against the civilian population committed by the Allied Democratic Forces and affiliated groups in Eringeti;

4. *Expresses its concern also* at allegations of crimes in the eastern part of the country committed by members of the security forces, notes with appreciation the efforts of the Government of the Democratic Republic of the Congo to bring those responsible for these crimes to justice, and welcomes the sentences already brought down, in particular against high-ranking officers;

5. *Encourages* the Government of the Democratic Republic of the Congo to intensify its efforts to put an end to violence in the eastern part of the country, with the support of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo within its mandate, in particular by strengthening its efforts in the disarmament, demobilization and reintegration of former combatants;

6. *Also encourages* the Government to provide the means necessary to facilitate ongoing inquiries and trials against those responsible for sexual violence, including that committed in Kavumu, in South Kivu;

7. *Further encourages* the Government to continue its efforts to implement the plans of action of the Armed Forces of the Democratic Republic of the Congo with a view to reduce and prevent the recruitment of child soldiers and sexual violence, and welcomes the progress made;

8. *Encourages* the Government to continue actively its efforts, with the support of the international community, to end impunity for the perpetrators of these grave violations of human rights, including those involving sexual violence, in the eastern part of the country, and to ensure that victims of such crimes receive adequate care, protection against reprisals, and reparations;

9. *Welcomes* the efforts made by the Government with regard to investigations and the prosecution of peacekeepers who have returned to the Democratic Republic of the Congo and been accused of alleged acts of sexual violence when deployed in the Central African Republic;

10. *Calls upon* the Government to ensure equitable political participation for all, and to create without delay the conditions necessary for the holding of free, transparent, inclusive and peaceful elections, in particular in view of the legislative and presidential elections;

11. *Invites* all stakeholders and Congolese political actors to contribute peacefully to keep peace and stability in the Democratic Republic of the Congo, to consolidate democracy and the rule of law, and to engage in good faith in a real, credible and inclusive political dialogue;

12. *Notes* the organization of the national political dialogue under the auspices of the African Union and the international community with a view to finding consensual solutions for the holding of peaceful, transparent and credible elections, and calls upon all stakeholders to respect and implement the resulting political agreement in conformity with the constitutional framework, and to refrain from any recourse to violence before, during and after the elections;

13. *Calls upon* the Government of the Democratic Republic of the Congo and the independent national electoral commission to accelerate preparations for the elections, and to establish as soon as possible a credible electoral calendar as part of the ongoing dialogue process;

14. *Notes with appreciation* the launching on 31 July 2016 by the independent national electoral commission of the process of revision of the electoral roll in the province of Nord Ubangi;

15. *Welcomes* the efforts made by the United Nations, the International Organization of la Francophonie and the European Union to ensure the credibility and the stabilization of the electoral roll;

16. *Invites* the Government of the Democratic Republic of the Congo to improve and increase the participation of women in the political and administrative domains, and notes with appreciation the legislative measures already taken in the framework of the amendments to the Family Code and of the law on the parity of men and women;

17. *Encourages* the Government to ensure that all citizens, regardless of their political affiliation, can participate freely in public affairs and that they fully enjoy their human rights and fundamental freedoms, in particular the freedoms of expression and peaceful assembly, which constitute essential conditions for a real, credible and inclusive political dialogue;

18. *Welcomes* the recent liberation of certain human rights activists in the framework of the presidential amnesty, and measures to ease political tension with a view to facilitating political dialogue, calls for the complete dismissal of remaining charges against some of them, and calls upon the Government to rapidly extend these measures to prisoners of conscience who are still incarcerated;

19. *Encourages* the Government to provide greater protection for all political actors, civil society, journalists and human rights defenders during elections, and to ensure respect for all human rights;

20. *Expresses its deep concern* at the violent confrontations in the electoral context, including reports of the disproportionate use of force by security forces, and calls upon all stakeholders to reject all violence;

21. *Also expresses its deep concern* at reports of restrictions on the freedoms of peaceful assembly, opinion and expression and violations of the right to liberty and security of person, and threats against and intimidation of members of political parties, civil society representatives and journalists, and of arbitrary detention and the interference of the executive in the functioning of justice;

22. *Calls upon* the Government and all relevant institutions of the Democratic Republic of the Congo to take all additional measures necessary to prevent all violations of international humanitarian law and abuses of human rights in the Democratic Republic of the Congo, and to conduct thorough investigations into all acts of violence and violations of international humanitarian law and abuses of human rights so that all perpetrators, whatever their affiliation, are brought to justice;

23. *Emphasizes* the individual responsibility of all stakeholders, including State officials, and leaders of the political parties of the government majority and the opposition, to act in strict compliance with the rule of law and human rights;

24. *Stresses* the importance of releasing all persons detained arbitrarily, including human rights defenders of and persons of different political affiliations, of transferring detainees from the National Intelligence Agency to regular detention centres, granting unlimited access by the United Nations Joint Human Rights Office to centres under the

responsibility of the Agency, and in this respect calls upon the Government of the Democratic Republic of the Congo to fulfil promptly its commitment to eliminate Agency detention facilities;

25. *Encourages* the Government to continue in its commitment to its cooperation with the Office of the High Commissioner, the United Nations Joint Human Rights Office, the Human Rights Council and its special procedures;

26. *Invites in this regard* the Government to respond positively to outstanding visit requests submitted by thematic special procedure mandate holders and to favourably consider extending a standing invitation to them;

27. *Commends* the Democratic Republic of the Congo for the establishment and operationalization of the national human rights commission, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

28. *Encourages* the Government of the Democratic Republic of the Congo to maintain and strengthen the momentum of the efforts made to reform the army, the police and security services;

29. *Welcomes* the establishment and functioning of the Constitutional Court, and encourages the Democratic Republic of the Congo to pursue the creation and installation of other courts in the context of the reform of the judicial system;

30. *Also welcomes* the vote by the National Assembly on the draft law on the implementation of the Rome Statute of the International Criminal Court, ratified by the Democratic Republic of the Congo in 2002;

31. *Encourages* the Government of the Democratic Republic of the Congo to take appropriate measures to ensure the smooth functioning of all implementing agencies of human rights, including the human rights liaison unit, the national human rights commission, the interministerial committee on human rights, the national commission for the universal periodic review, and the unit for the protection of human rights defenders;

32. *Reiterates* its request to the international community, in the framework of ownership of the Government of the Democratic Republic of the Congo, to improve the involvement of national authorities and beneficiaries in the design, implementation, monitoring and evaluation of projects for the promotion and protection of human rights with a view to ensuring that they have a greater impact at the central, provincial and local levels, particularly with regard to the priorities of justice and human rights, as defined in the recommendations made at the national forum on justice in April 2015;

33. *Also reiterates* its request to the international community to focus on structural, long-term interventions, on the entire territory of the Democratic Republic of the Congo, to optimize the long-term impact of technical assistance programmes;

34. *Encourages* the Government to organize a forum on human rights, in particular on the impact of technical assistance by the international community to the Democratic Republic of the Congo;

35. *Invites* the High Commissioner to inform the Human Rights Council on the situation in the Democratic Republic of the Congo as and when appropriate;

36. *Decides* to organize, at its thirty-fourth session, in the presence of all stakeholders, an interactive dialogue on the situation of human rights in the Democratic Republic of the Congo;

37. *Requests* the Office of the High Commissioner to give an oral update on the situation of human rights in the Democratic Republic of the Congo to the Human Rights Council at its thirty-fifth session, in an interactive dialogue;

38. *Also requests* the Office of the High Commissioner to prepare a report on the situation of human rights in the Democratic Republic of the Congo in the electoral context, and to present it to the Human Rights Council at its thirty-sixth session, during an enhanced interactive dialogue;

39. *Decides* to remain seized of the situation until its thirty-sixth session.